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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE VALSARTAN, LOSARTAN, AND IRBESARTAN PRODUCTS LIABILITY LITIGATION	MDL No. 2875
THIS DOCUMENT RELATES TO ALL CASES	HON. ROBERT B. KUGLER CIVIL NO. 19-2875 (RBK) Redacted Version

**PLAINTIFFS' REPLY MEMORANDUM IN FURTHER SUPPORT OF
DAUBERT MOTION TO PRECLUDE OPINIONS OF DEFENSE EXPERT
TIMOTHY ANDERSON, M.S., M.B.A.**

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On the Brief:
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I. INTRODUCTION

Teva's Response (ECF 2337) confirms three things about Teva's expert, Mr. Timothy Anderson, that Plaintiffs challenge in their *Daubert* motion (ECF 2297):

First, Teva confirms [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

As Plaintiffs' motion previously explained, this opinion is unreliable because it runs counter to the law, facts, and common sense. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Second, Teva concedes that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Third, while Mr. Anderson [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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II. ARGUMENT

A. Mr. Anderson's [REDACTED] Should Be Precluded

Teva's rhetoric notwithstanding (*see* Teva Resp. at 4-9), there really is no dispute as to [REDACTED]

[REDACTED] in their opening brief at page 7:

[REDACTED]

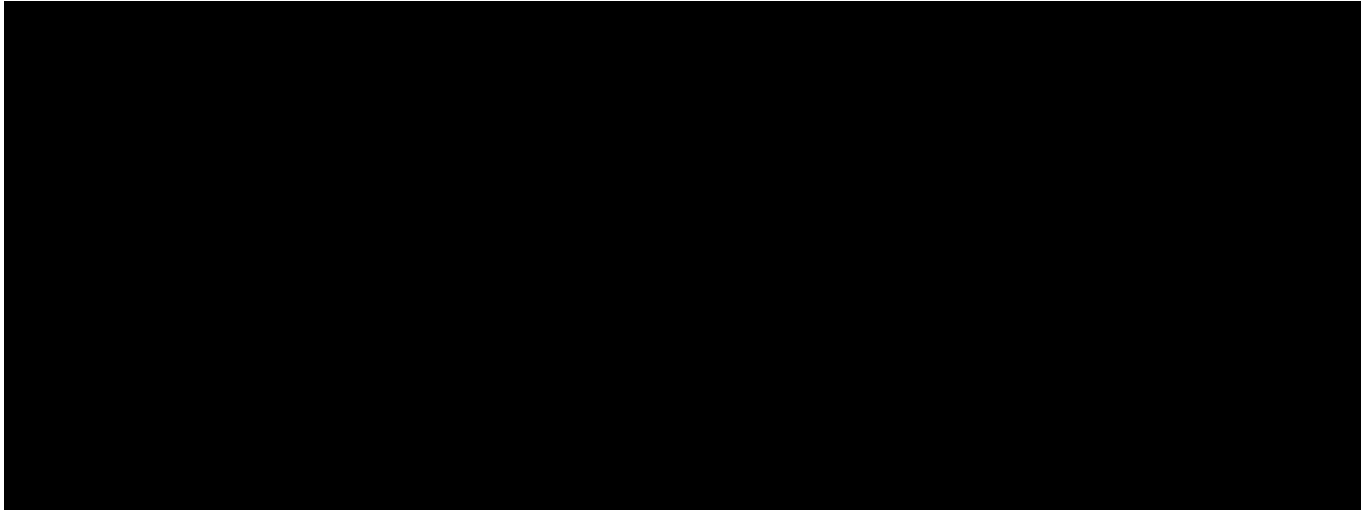
Teva agrees. It says:

[REDACTED]

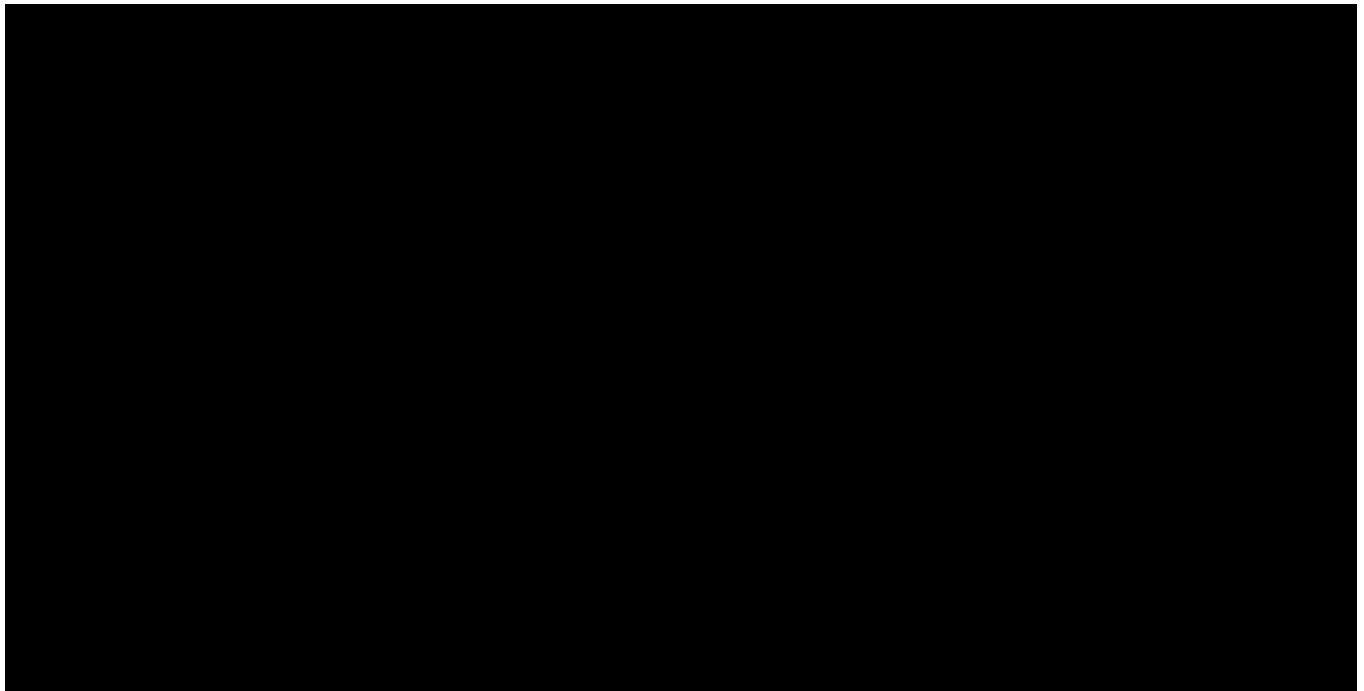
Plaintiffs also correctly identified the second purported basis for [REDACTED]

[REDACTED] in their opening brief, again at page 7:

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Teva agrees with this, too:



Thus, the parties agree Mr. Anderson believes



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Plaintiffs' opening brief thoroughly explained why these opinions are unreliable and unsound. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The point is not that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2 [REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

³

B. Mr. Anderson's Opinions About [REDACTED] Should Be Precluded

Teva does not dispute that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Teva tacitly concedes that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

Absent sufficient facts or data—or any facts or data, really—

[REDACTED]

[REDACTED]

[REDACTED] *See, e.g., Gen'l Elec. Co. v.*

Joiner, 522 U.S. 136, 146 (1997) (“there is simply too great an analytical gap between the data and the opinion offered”). [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *See, e.g., id.; SEC v. Ambassador Advisors, LLC*, 576 F. Supp. 3d 250, 262 (E.D. Pa. 2021) (precluding expert from testifying about SEC inspections he “knows very little about,” as he “was not sure how many times, if at all,” inspections occurred, he “did not review letters the SEC sent . . . summarizing the results of their inspections,” “did not know the actual scope of the SEC’s inspections . . . [his] lack of knowledge about these inspections makes his testimony about them unreliable.”).

As to

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

⁴ [REDACTED]

⁵ *Compare* [REDACTED]

⁶ [REDACTED]

⁷ Even if [REDACTED]

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Teva's reference to [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To be clear, Plaintiffs do not seek to exclude [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED] His
opinions are net opinions. *See, e.g., Joiner*, 522 U.S. at 146; *Bldg. Indus. Ass’n of Wash. v. wash. State Bldg. Code Council*, 683 F.3d 1144, 1154 (9th Cir. 2012) (affirming exclusion of expert who “offered unsupported assertions” with “no data forming the basis for [the expert’s] assumptions or conclusions. . . The party offering expert testimony has the burden of establishing its admissibility.”).

C. Teva Admits [REDACTED]

Teva’s response [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

III. CONCLUSION

For the foregoing reasons, as well as those set forth in Plaintiffs’ opening memorandum, Mr. Anderson should be precluded from [REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Respectfully,

ON BEHALF OF PLAINTIFFS

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Dated: April 25, 2023

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 25, 2023, a true and correct redacted copy of the foregoing was filed and served via the court's CM/ECF system, and an unredacted version was served on the court and the Defense Executive Committee via email.

/s/ David J. Stanoch
David J. Stanoch